

CLERK'S OFFICE U.S. DISTRICT COURT
AT ABINGDON, VA
FILED

JAN 24 2022

JULIA C. DUDLEY, CLERK
BY: *[Signature]*
DEPUTY CLERK**VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF BRISTOL**FIPS Code: 520

Judge: Sage B. Johnson

1:22 CV 2

TONY MCKENNA, Plaintiff

v.

CL21000802-00**BRISTOL VA CITY POLICE DEPARTMENT, et al, Defendant****TRANSFER ORDER**

It appearing that this case was Ordered on January 13, 2022, by the United States District Court for the Western District of Virginia Abingdon Division, to be removed from the Circuit Court of the City of Bristol, Virginia, to the United States District Court for the Western District of Virginia at Abingdon, for good cause shown, and it otherwise appearing proper so to do, it is hereby **ORDERED** that this case file be, and hereby is, transferred and forwarded to the United States District Court for the Western District of Virginia at Abingdon to the Clerk of that Court at 180 West Main Street, Room 104, Abingdon, Virginia 24210.

The Clerk shall transmit the file and a certified copy of the order within to the Clerk of the United States District Court for the Western District of Virginia at Abingdon.

Enter this 19th day of January 2022:*Sage B. Johnson*
JUDGE

A COPY TESTE:
Kelly L. Flannagan, Clerk
Circuit Court City of Bristol, VA

By: *[Signature]*

Dep. Clerk

Bristol Circuit Court
MCKENNA, TONY

Case No.:CL21000802-00
Vs POLICE DEPT BRISTOL VA CITY

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By: A. Meade
Deputy Clerk

**ORDER FOR PROCEEDING IN CIVIL CASE
WITHOUT PAYMENT OF FEES OR COSTS**

Commonwealth of Virginia

VA. CODE § 17.1-606

Case No.

Bristol Circuit Court
Tony McKenna v. Bristol City Police et al

Upon petition filed requesting this court to permit the petitioner(s) to sue or defend a ☒ civil case OR ☐ no-fault divorce proceeding under Virginia Code § 20-91(a)(9) in this court without the payment of fees or costs and to have from all officers all needful services and process, it is hereby **ORDERED** that the petition is

☒ granted.☐ denied.☐ and the parties shall12/2/2021

DATE

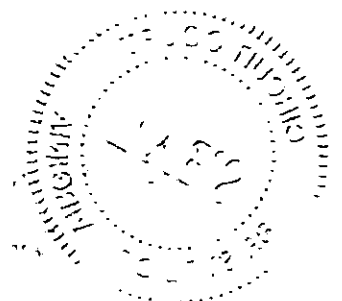
Sage B Johnson
JUDGE

FILED: Dec 7 2021
TIME: 3:20 PM
CIRCUIT COURT CLERKS OFFICE
CITY OF BRISTOL, VA
KELLY L. FLANNAGAN, CLERK
BY: [Signature]

A COPY TESTE:
Kelly L. Flannagan, Clerk
Circuit Court City of Bristol, VA

By: [Signature]

FORM CC-1421 (AD-08/2017)



**PETITION FOR PROCEEDING IN CIVIL CASE
WITHOUT PAYMENT OF FEES OR COSTS**

COMMONWEALTH OF VIRGINIA VA.CODE §§ 16.1-69.48-4; 17.1-606

Case No. _____

Circuit Court

Tony McKenna

276-494-0477

v. Bristol City Police and all

The undersigned petitioner(s) request the court to permit the petitioner(s) to sue or defend a civil case in this court without the payment of fees or costs and to have from all officers all needful services and process. In support of the petition, the petitioner(s) state that the following information is true:

☐ I currently receive the following type(s) of public assistance in Bristol VA

CITY/COUNTY

☐ TANF \$ _____ ☐ Medicaid ☒ Supplemental Security Income \$ 1,200 mo.

☐ SNAP (food stamps) \$ 16.00 ☐ Other (specify type and amount) _____

☐ I currently do not receive public assistance.

☐ I am represented in this matter by a legal aid society, an attorney appearing as counsel *pro bono*, or an attorney assigned to me or referred by a legal aid society.

Names and address of employer(s) for myself and spouse:

Self _____

Spouse _____

NET INCOME:

Pay period (weekly, every second week, twice monthly, monthly) _____

Net take home pay (salary/wages, minus deductions required by law and tax withholdings)

Other income sources (please specify) _____

TOTAL INCOME

FILED: DEC 1 2021
TIME: 2:00 PM

Self CIRCUIT COURT CLERKS OFFICE
CITY OF BRISTOL, VA

KELLY L. FLANNAGAN, CLERK

\$ BY: [Signature]

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

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\$ _____

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\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

LIQUID ASSETS:

Cash on hand _____

Bank Accounts at: First Comm Bank

Any other liquid assets: (please specify)

Tru Point Bank

with a 1500.00
value of

TOTAL ASSETS

\$ _____

\$ 131.07

+ Savings 200.

\$ 500.00

\$ _____

\$ 631.07

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

1 Number in household I have financial responsibility for, including myself.

EXCEPTIONAL EXPENSES (Total Exceptional Expenses of Family)

Medical Expenses (list only unusual and continuing expenses) Rent + Utilities \$ 600

Court-ordered support payments/alimony \$ _____

☐ deducted from paycheck ☐ not deducted from paycheck

Child-care payments (e.g. day care) \$ _____

Other (describe):

MAINTENANCE + health } \$ 250

TOTAL EXPENSES \$ 850.00

COLUMN "A" plus COLUMN "B" minus
COLUMN "C" equals available funds

+ food \$ 200 mo

+ House hold \$ 50 mo

+ clothing \$ 50 mo

FILED: 11/29/2021

TIME: 12:40 pm

CIRCUIT COURT CLERKS OFFICE
CITY OF BRISTOL, VA

KELLY L. FLANNAGAN, CLERK

FORM CO-144 (MASTER PAGE ONE OF TWO) 07/21

BY: [Signature] B.C.

COURT USE ONLY

A

COURT USE ONLY

B

COURT USE ONLY

C

ACKNOWLEDGEMENT

I understand that the court cannot provide me with legal advice, and that it may be advisable to get advice from a lawyer.

11-29-2021

DATE

T. McKenna

SIGNATURE - PETITIONER

Tony McKenna

PRINT NAME - PETITIONER

Eastridge Apt 249 New Haven CT apt 205

RESIDENCE ADDRESS OF PETITIONER

T. McKenna

SIGNATURE - PETITIONER

Tony McKenna

PRINT NAME - PETITIONER

SAME

RESIDENCE ADDRESS OF PETITIONER

In the Bristol City Circuit Court
28th Judicial Circuit of Virginia

CL 21-802

Tony McKenna

V.

Police Chief
Bristol VA. Police Department,
The City of Bristol, Virginia
Ofc. Green, Bristol City Police
Ofc. Erickson, Bristol City Police
Assistant Commonwealth's Attorney, Tim Boyer
and one unidentified Bristol Virginia police Officer.
(shown in body cam footage, trespassing, assaulting and battering me)

Now comes Tony McKenna, on this day 11/30/2021, Plaintiff pursuant to 42 U.S. Code 1983 civil action for deprivation of rights. Also pursuant to Virginia state laws, U.S. Code, the Constitution of the United States, Bill of rights at the 4th 5th and 14th Amendments.

I) The Parties to This Complaint
A. The Plaintiff

Tony McKenna, non lawyer
Resident Bristol City
837 Portsmouth Ave Apt F-12
Bristol VA 24201
(Now 249 New Haven LN Apt205)
Same location new address.

FILED: Dec 1 2021
TIME: 1:40 PM
CIRCUIT COURT CLERKS OFFICE
CITY OF BRISTOL, VA
KELLY L. FLANNAGAN, CLERK

BY: [Signature]

B. The Defendants

Bristol VA. City Police Department
Bristol VA. Police Officer Erickson
Bristol VA. Police Officer Green
One unnamed Bristol VA. Police Officer
501 Scott St, Bristol VA
24201
City of Bristol
City Hall 300 lee street
Bristol VA 24201

FILED: Dec 7 2021
TIME: 1:40 PM
CIRCUIT COURT CLERKS OFFICE
CITY OF BRISTOL, VA
KELLY L. FLANNAGAN, CLERK

BY: [Signature]

Assistant Commonwealth's Attorney
for the City of Bristol, Tim Boyer
230 Piedmont 2nd floor
Bristol VA 24201

Basis for Jurisdiction

42 U.S. Code 1983 civil action for deprivation of rights. Also pursuant to Virginia state laws, U.S. Code, the Constitution of the United States, Bill of rights at the 4th 5th and 14th Amendments.

II Statement of Claim

Gross negligence and/or willful, wanton negligence.
City of Bristol failed to assure proper training of Police officers and other city, county, state employees. Or, violators simply chose to ignore training. As a result causing me injury and other damages.

Violation of 42 U.S. Code 1983, counts below. 20 counts in total

COUNT 1 x4 Violation of 42 U.S. Code 1983

Va Code § 18.2-22. Conspiracy to commit felony. & Section 241 of Title 18 USC

On June 6th 2021 Assistant Commonwealth's Attorney, Tim Boyer, Ofc. Green, Ofc. Erickson and one other unnamed officer (unnamed officer videoed with police body cam attacking me in my home). The above named conspired against me in order to get me to surrender my constitutionally, protected rights.

Section 241 of Title 18 USC makes it unlawful for two or more persons to agree together to injure, threaten, or intimidate a person in any state, territory or district in the free exercise or enjoyment of any right or privilege secured to him/her by the Constitution or the laws of the United States, (or because of his/her having exercised the same). Unlike most conspiracy statutes, Section 241 does not require that one of the conspirators commit an overt act prior to the conspiracy becoming a crime.

"if such acts include kidnapping" (Va. Code Ann. § 18.2-47, uses the terms abduction and kidnapping synonymously) "they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death."

Va Code § 18.2-22. (a) If any person shall conspire, confederate or combine with another, either within or outside the Commonwealth, to commit a felony within the Commonwealth, or if he shall so conspire, confederate or combine with another within the Commonwealth to commit a felony either within or outside the Commonwealth, he shall be guilty of a felony that shall be punishable as follows: (1) Every person who so conspires to commit an offense that is punishable as a Class 1 felony is guilty of a Class 3 felony; **Class 3 Felony**
A Class 3 felony in Virginia is punished with 5 years up to 20 years in prison and a fine up to \$100,000.

Every act, after the unlawful entry of my home, is an UNLAWFUL act by the above named defendants.

COUNT 2 x1 Violation of 42 U.S. Code 1983

Va Code § 18.2-282. **Pointing, holding, or brandishing firearm**, air or gas operated weapon or object similar in appearance to, “reasonably induce fear in the mind of another”.

Unnamed officer kicked open my door with gun drawn to achieve by force and threat, to coerce obedience and compliance for me to surrender the safety of my constitutionally protected home. Dragging me out of my private home into a semi public breeze way. Removing me from a private place that would require a warrant, to a semi public place where I might be subject to a possible resisting arrest and or obstruction of law charge. Under threat of bodily harm I was forced to surrender my right to exercise my right to be secure in my home and be silent.

A. It shall be unlawful for any person to point, hold or brandish any firearm or any air or gas operated weapon or any object similar in appearance, whether capable of being fired or not, in such manner as to reasonably induce fear in the mind of another

COUNT 3 x1 Violation of 42 U.S. Code 1983

Va Code § 18.2-121. **Entering property of another for purpose of damaging it, etc.** “or in any manner to interfere with the rights of the owner, user, or occupant” thereof to use such property free from interference.

Unnamed officer extracted me from the safety of my home protected by 4th amendment and placed me in a semi public place where I no longer have the protection of the requirement of a 4th amendment warren. Provoking me to possible assaulting an officer or resisting arrest charges, although unlawful.

COUNT 4 x1 Violation of 42 U.S. Code 1983

Va Code § 18.2-57 **Assault and battery**. A. “Any person who commits a simple assault or assault and battery shall be guilty of a Class 1 misdemeanour”. Assault is an intentional, offensive, or harmful act that may cause reasonable anxiety or fear of expected injury. It includes intimidation by non-physical acts that cause fear in another person.

Unnamed officer made an assault on my home and my person by kicking in the door, with his gun drawn at the ready, grabbing my arm and pulling me out. No warrant, no emergency, no exigent circumstances and no hot pursuit. But simply to serve a civil complaint. This is an unlawful act under color of law.

COUNT 5 x1 Violation of 42 U.S. Code 1983

Va Code § 18.2-404. **Obstructing free passage of others.**

Any person or persons who in any public place or on any private property open to the public unreasonably or unnecessarily obstructs the free passage of other persons to and from or within such place or property and who shall fail or refuse to cease such obstruction or move on when requested to

do so by the owner or lessee or agent or employee of such owner or lessee or by a duly authorized law-enforcement officer shall be guilty of a Class 1 misdemeanor.

Unnamed officer blocked my path to the protection of my leased property thereby denying me the protection of the 4th amendment.

COUNT 6 x1 Violation of 42 U.S. Code 1983

Va Code § 18.2-57 **Assault and Battery** (second count)

Battery with Malicious Intent/Conduct (Blacks Law, Malice: "malice is a condition of the mind which shows a heart regardless of social duty and fatally bent on mischief, the existence of which is inferred from acts committed or words spoken." Harris v. State, 8 Tex. App. 109.) battery is an intentional contact of another person physically, in an "offensive" or harmful manner without their consent, justification, or legal basis. Unnamed officer, under color of law, after dragging me from my constitutionally protected environment, attacked me a second time by slapping my hands while my hands were behind my back with no threat to him. Totally outrageous, unnecessary, unlawful and combined with His above acts and speech ("YOU HAVE NO RIGHTS") after I asserted my rights shows absolute malice.

Miller v. US (5th Circuit) 230 F. 2d. 486 (1956) "The claim and exercise of a constitutional right cannot thus be converted into a crime"

COUNT 7 x4 Violation of 42 U.S. Code 1983

Va Code §18.2-47. **Abduction and kidnapping.** A. Any person who, by force, intimidation or deception, and without legal justification or excuse, seizes, takes, transports, detains or secretes another person with the intent to deprive such other person of his personal liberty or to withhold or conceal him from any person, authority or institution lawfully entitled to his charge, shall be deemed guilty of "abduction."

C. The provisions of this section shall not apply to any law-enforcement officer in the performance of his duty. (When officers act outside of the law, they lose their cloak of immunity) (Davis v. Wechsler, 263 US 22, 24. "Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them.") The terms "abduction" and "kidnapping" shall be synonymous in this Code. Abduction for which no punishment is otherwise prescribed shall be punished as a Class 5 felony. (" by force, intimidation or deception, and without legal justification")

When officers act outside of the law, they lose their cloak of immunity. By instruction from Assistant Commonwealth's Attorney Tim Boyer, Ofc. Green, Ofc. Erickson, and one unidentified Bristol Virginia police Officer, (shown in body cam footage, trespassing, assaulting and battering me) took me by force, intimidation and deception, without legal justification, and imprisoned me. Kept me imprisoned in hand cuffs and leg irons. Only on the condition that I surrender my constitutional rights to parents and effects, would they release me.

COUNT 8 x1 Violation of 42 U.S. Code 1983

Va Code § 19.2-59. **Search without warrant prohibited:** when search without warrant lawful.

no officer of the law or any other person shall search any place, thing or person, except by virtue of and under a warrant issued by a proper officer. Any officer or other person searching any place, thing or person otherwise than by virtue of and under a search warrant, shall be guilty of malfeasance in office.

Any officer or person violating the provisions of this section shall be liable to any person aggrieved thereby in both compensatory and punitive damages.

Officer Erickson unlawfully searched my person outside at the patrol car and took my property. Officer Erickson ordered me to enter the car. At that point I informed officer Erickson that I was disabled and needed help getting into the very confined space. He then grabbed my pants leg and used his shoulder to shove me into the car injuring my shoulder and chest.

COUNT 9 x2 Violation of 42 U.S. Code 1983

§18 U.S. Code § 4 - Misprision of felony. Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years, or both.

14th Amendment Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Not only did Officers Ericsson and Green failed to protect me from the abuse of the unnamed officer in the body cam footage, but also failed/or chose not to, report the same.

COUNT 10x 4 Violation of 42 U.S. Code 1983

TITLE 18, U.S.C., SECTION 242 " Persons acting under color of law within the meaning of this statute include police officers, prisons guards and other law enforcement officials, as well as judges, care providers in public health facilities, and others who are acting as public officials."

The very basics of our laws are taught to school children. Required teaching in police training, and law school. The Constitution and the bill of "RIGHTS" is the very foundation of the our laws and it's limits. There can be no excuse for a police officer to think they don't need a warrant to enter the private residence and pull me out, when there is no hot pursuit, no emergency, no crime witnessed, no probable cause or any other lawful reason to do so.

There is no excuse for a trained, experienced attorney, with more then a decade of experience, now the Assistant Commonwealth's District Attorney.

On June 6th 2021 Assistant Commonwealth's Attorney, Tim Boyer, Ofc. Green, Ofc. Erickson and one other unnamed officer (unnamed officer videoed with police body cam attacking me in my home) conspired against me in order to get me to surrender my constitutionally, protected rights. I was Trespassed upon, Threatened with a firearm, Assaulted, Battered, Abducted, and then Falsely Imprisoned. Also, to add insult to injury, ofc. Green and/or ofc. Erickson, violated 18 U.S. Code § 4 – Misprision of felony in that they did not, to the best of my knowledge, report the actions of the Unnamed Officer.

Relief Sought

Damages against the defendants in an amount to be determined at trial which will fairly and reasonably compensate the plaintiffs for all compensatory damages to be proven at trial;

2. Punitive damages against the individual defendants in an amount to be determined at trial;

and

3. Reasonable fees and costs.

Plaintiff petitions for a jury trial demand

Sincerely



Tony McKenna,

837 Portsmouth Ave.

Apt F-12 Bristol VA 24201

(Now 249 New Haven LN. Apt 205) Ph# 276-494-0477

Receipt #: 21000008212



OFFICIAL RECEIPT
BRISTOL CITY CIRCUIT COURT
CIVIL

DATE : 12/07/2021 TIME : 15:00:08

RECEIPT # : 21000008212 TRANSACTION # : 21120700026

CASHIER : DWJ REGISTER # : B433

CASE COMMENTS : MCKENNA, TONY v. POLICE DEPARTMENT BRISTO

SUIT AMOUNT : \$0.00

ACCOUNT OF : MCKENNA, TONY

PAID BY : MCKENNA, TONY

CASH : \$0.00

DESCRIPTION 1 : COM:COMPLAINT - CATCH-ALL

2 : PLAINTIFF: MCKENNA, TONY

3 : NO HEARING SCHEDULED

CASE # : 520CL2100080200

FILING TYPE : COM

PAYMENT : FULL PAYMENT

ACCOUNT CODE	DESCRIPTION	PAID
049	WRIT TAX (CIVIL)	\$0.00
106	TECHNOLOGY TRST FND	\$0.00
123	LEGAL AID SERVICES	\$0.00
147	INDIGENT ASSISTANCE (INA)	\$0.00
170	COURT TECHNOLOGY FUND	\$0.00

ACCOUNT CODE	DESCRIPTION	PAID
219	LAW LIBRARY	\$0.00
229	COURTHOUSE MAINTENANCE FEE (CHMF)	\$0.00
304	CIVIL FILING FEE (LAW & EQUITY)	\$0.00

TENDERED : \$ 0.00

AMOUNT PAID : \$ 0.00

PAYOR'S COPY

CLERK OF COURT : KELLY L. FLANNAGAN
Page 10

RECEIPT COPY 1 OF 2

CL 21-802

To BE sent complaint

DEFENDANTS

1) Bristol VA. City Police Dept. ✓

2) Bristol VA. Police Officer
ERICKSON ✓3) Bristol VA. Police Officer
GREEN ✓4) ONE UNNAMED Bristol VA. Police
Officer (Pic in Body
Cam)501 Scott St, Bristol VA.
242016) City of Bristol, City
Manager, RANDALL EADS
City Hall 300 Lee Street
Bristol VA 242017) Ass. Commonwealth's Attorney
for the City of Bristol,
TIM BOYER
230 Piedmont 2nd floor
Bristol VA 24201

FILED: 12-9-21
TIME: 11:20 AM
CIRCUIT COURT CLERKS OFFICE
CITY OF BRISTOL, VA
KELLY L. FLANNAGAN, CLERK

BY: [Signature]

In the Bristol City Circuit Court
28th Judicial Circuit of Virginia

Tony McKenna

V.

Police Chief
Bristol VA. Police Department,
The City of Bristol, Virginia
Ofc. Green, Bristol City Police
Ofc. Erickson, Bristol City Police
Assistant Commonwealth's Attorney, Tim Boyer
and one unidentified Bristol Virginia police Officer. Now identified by Police Chief
as Ofc. Charles Thomas Jr Bristol VA city police
(shown in body cam footage, trespassing, assaulting and battering me)

FILED: December 20, 2021

TIME: 10:00am

CIRCUIT COURT CLERKS OFFICE

CITY OF BRISTOL, VA

KELLY L. FLANNAGAN, CLERK

BY: [Signature] D.C.

Motion for leave to Amend Complaint

Now comes Tony McKenna, on this day 12/20/2021, Plaintiff pursuant to Rule 15 of the US Federal Rules of Civil Procedure asking for leave to amend the complaint filed in the above case. I have recently learned from the Bristol Virginia Police Chief, after showing him body cam footage, the name of the "unidentified" Police Officer as Ofc. Charles Thomas Jr. I also ask that notice be sent to Officer Thomas at the Bristol VA Police Department in his name. Also amended is Relief Sought.

[Signature]
Tony McKenna

**In the Bristol City Circuit Court
28th Judicial Circuit of Virginia**

Tony McKenna

Plaintiff,

v.

Police Chief
Bristol VA. Police Department,
The City of Bristol, Virginia
Ofc. Green, Bristol City Police
Ofc. Erickson, Bristol City
Police
Assistant Commonwealth's
Attorney, Tim Boyer
and one unidentified Bristol
Virginia police Officer. Now
identified by Police Chief
as Ofc. Charles Thomas Jr
Bristol VA city police
Defendant.

Civil Action No. CL21-802

ORDER GRANTING PLAINTIFF'S MOTION FOR LEAVE TO AMEND COMPLAINT

This Matter, having come before the Court on the Plaintiff's Motion for Leave to amend complaint
It appearing, for good cause shown, that the Motion should be granted.
IT IS HEREBY ORDERED that Plaintiff is granted leave to amend complaint.

Entered this 28th day of December, 2021
~~2003~~

By Sage B. Johnson

Copies to:

Police Chief

Bristol VA. Police Department,
The City of Bristol, Virginia
Ofc. Green, Bristol City Police
Ofc. Erickson, Bristol City Police
Ofc. Charles Thomas Jr Bristol City Police
Assistant Commonwealth's Attorney, Tim Boyer

A COPY OF THIS
Kelly L. Flannagan, Clerk
Circuit Court City of Bristol, VA

By: [Signature]
Dep. Clerk

In the Bristol City Circuit Court
28th Judicial Circuit of Virginia
AMENDED

Tony McKenna

V.

Police Chief

Bristol VA. Police Department,

The City of Bristol, Virginia

Ofc. Green, Bristol City Police

Ofc. Erickson, Bristol City Police

Assistant Commonwealth's Attorney, Tim Boyer

and one unidentified Bristol Virginia police Officer. Now identified by Police Chief

as Ofc. Charles Thomas Jr Bristol VA city police

(shown in body cam footage, trespassing, assaulting and battering me)

FILED: December 28, 2021

TIME: 11:45am

CIRCUIT COURT CLERKS OFFICE

CITY OF BRISTOL, VA

KELLY L. FLANNAGAN, CLERK

BY: [Signature] D.C.

Now comes Tony McKenna, on this day 11/30/2021, Plaintiff pursuant to 42 U.S. Code 1983 civil action for deprivation of rights. Also pursuant to Virginia state laws, U.S. Code, the Constitution of the United States, Bill of rights at the 4th 5th and 14th Amendments.

I) The Parties to This Complaint
A. The Plaintiff

Tony McKenna, non lawyer

Resident Bristol City

837 Portsmouth Ave Apt F-12

Bristol VA 24201

(Now 249 New Haven LN Apt205)

Same location new address.

B. The Defendants

Bristol VA. City Police Department

Bristol VA. Police Officer Erickson

Bristol VA. Police Officer Green

Bristol VA. Police Officer Charles Thomas Jr

501 Scott St, Bristol VA

24201

City of Bristol

City Hall 300 lee street

Bristol VA 24201

Assistant Commonwealth's Attorney

for the City of Bristol, Tim Boyer

230 Piedmont 2nd floor

Bristol VA 24201

Basis for Jurisdiction

42 U.S. Code 1983 civil action for deprivation of rights. Also pursuant to Virginia state laws, U.S. Code, the Constitution of the United States, Bill of rights at the 4th 5th and 14th Amendments.

II Statement of Claim

Gross negligence and/or willful, wanton negligence.
City of Bristol failed to assure proper training of Police officers and other city, county, state employees. Or, violators simply chose to ignore training. As a result causing me injury and other damages.

Violation of 42 U.S. Code 1983, counts below. 20 counts in total

COUNT 1 x4 Violation of 42 U.S. Code 1983

Va Code § 18.2-22. Conspiracy to commit felony. & Section 241 of Title 18 USC

On June 6th 2021 Assistant Commonwealth's Attorney, Tim Boyer, Ofc. Green, Ofc. Erickson and one other unnamed officer (unnamed officer videoed with police body cam attacking me in my home). The above named conspired against me in order to get me to surrender my constitutionally, protected rights.

Section 241 of Title 18 USC makes it unlawful for two or more persons to agree together to injure, threaten, or intimidate a person in any state, territory or district in the free exercise or enjoyment of any right or privilege secured to him/her by the Constitution or the laws of the United States, (or because of his/her having exercised the same). Unlike most conspiracy statutes, Section 241 does not require that one of the conspirators commit an overt act prior to the conspiracy becoming a crime.

"if such acts include kidnapping" (Va. Code Ann. § 18.2-47, uses the terms abduction and kidnapping synonymously) "they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death."

Va Code § 18.2-22. (a) If any person shall conspire, confederate or combine with another, either within or outside the Commonwealth, to commit a felony within the Commonwealth, or if he shall so conspire, confederate or combine with another within the Commonwealth to commit a felony either within or outside the Commonwealth, he shall be guilty of a felony that shall be punishable as follows: (1) Every person who so conspires to commit an offense that is punishable as a Class 1 felony is guilty of a Class 3 felony; **Class 3 Felony**
A Class 3 felony in Virginia is punished with 5 years up to 20 years in prison and a fine up to \$100,000.

Every act, after the unlawful entry of my home, is an UNLAWFUL act by the above named defendants.

COUNT 2 x1 Violation of 42 U.S. Code 1983

Va Code § 18.2-282. **Pointing, holding, or brandishing firearm**, air or gas operated weapon or object similar in appearance to, “reasonably induce fear in the mind of another”.

Unnamed officer kicked open my door with gun drawn to achieve by force and threat, to coerce obedience and compliance for me to surrender the safety of my constitutionally protected home. Dragging me out of my private home into a semi public breeze way. Removing me from a private place that would require a warrant, to a semi public place where I might be subject to a possible resisting arrest and or obstruction of law charge. Under threat of bodily harm I was forced to surrender my right to exercise my right to be secure in my home and be silent.

A. It shall be unlawful for any person to point, hold or brandish any firearm or any air or gas operated weapon or any object similar in appearance, whether capable of being fired or not, in such manner as to reasonably induce fear in the mind of another

COUNT 3 x1 Violation of 42 U.S. Code 1983

Va Code § 18.2-121. **Entering property of another for purpose of damaging it, etc.** “or in any manner to interfere with the rights of the owner, user, or occupant” thereof to use such property free from interference.

Unnamed officer extracted me from the safety of my home protected by 4th amendment and placed me in a semi public place where I no longer have the protection of the requirement of a 4th amendment warren. Provoking me to possible assaulting an officer or resisting arrest charges, although unlawful.

COUNT 4 x1 Violation of 42 U.S. Code 1983

Va Code § 18.2-57 **Assault and battery**. A. “Any person who commits a simple assault or assault and battery shall be guilty of a Class 1 misdemeanour”. Assault is an intentional, offensive, or harmful act that may cause reasonable anxiety or fear of expected injury. It includes intimidation by non-physical acts that cause fear in another person.

Unnamed officer made an assault on my home and my person by kicking in the door, with his gun drawn at the ready, grabbing my arm and pulling me out. No warrant, no emergency, no exigent circumstances and no hot pursuit. But simply to serve a civil complaint. This is an unlawful act under color of law.

COUNT 5 x1 Violation of 42 U.S. Code 1983

Va Code § 18.2-404. **Obstructing free passage of others.**

Any person or persons who in any public place or on any private property open to the public unreasonably or unnecessarily obstructs the free passage of other persons to and from or within such place or property and who shall fail or refuse to cease such obstruction or move on when requested to

do so by the owner or lessee or agent or employee of such owner or lessee or by a duly authorized law-enforcement officer shall be guilty of a Class 1 misdemeanor.

Unnamed officer blocked my path to the protection of my leased property thereby denying me the protection of the 4th amendment.

COUNT 6 x1 Violation of 42 U.S. Code 1983

Va Code § 18.2-57 Assault and Battery (second count)

Battery with Malicious Intent/Conduct (Blacks Law, Malice: "malice is a condition of the mind which shows a heart regardless of social duty and fatally bent on mischief, the existence of which is inferred from acts committed or words spoken." Harris v. State, 8 Tex. App. 109.) battery is an intentional contact of another person physically, in an "offensive" or harmful manner without their consent, justification, or legal basis. Unnamed officer, under color of law, after dragging me from my constitutionally protected environment, attacked me a second time by slapping my hands while my hands were behind my back with no threat to him. Totally outrageous, unnecessary, unlawful and combined with His above acts and speech ("YOU HAVE NO RIGHTS") after I asserted my rights shows absolute malice.

Miller v. US (5th Circuit) 230 F. 2d. 486 (1956) "The claim and exercise of a constitutional right cannot thus be converted into a crime"

COUNT 7 x4 Violation of 42 U.S. Code 1983

Va Code §18.2-47. **Abduction and kidnapping.** A. Any person who, by force, intimidation or deception, and without legal justification or excuse, seizes, takes, transports, detains or secretes another person with the intent to deprive such other person of his personal liberty or to withhold or conceal him from any person, authority or institution lawfully entitled to his charge, shall be deemed guilty of "abduction."

C. The provisions of this section shall not apply to any law-enforcement officer in the performance of his duty. (*When officers act outside of the law, they lose their cloak of immunity*) (*Davis v. Wechsler, 263 US 22, 24. "Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them."*) The terms "abduction" and "kidnapping" shall be synonymous in this Code. Abduction for which no punishment is otherwise prescribed shall be punished as a Class 5 felony. (" by force, intimidation or deception, and without legal justification")

When officers act outside of the law, they lose their cloak of immunity. By instruction from Assistant Commonwealth's Attorney Tim Boyer, Ofc. Green, Ofc. Erickson, and one unidentified Bristol Virginia police Officer, (shown in body cam footage, trespassing, assaulting and battering me) took me by force, intimidation and deception, without legal justification, and imprisoned me. Kept me imprisoned, in hand cuffs and leg irons. Only on the condition that I surrender my constitutional rights to papers and effects, would they release me.

COUNT 8 x1 Violation of 42 U.S. Code 1983

Va Code § 19.2-59. **Search without warrant prohibited;** when search without warrant lawful.

No officer of the law or any other person shall search any place, thing or person, except by virtue of and under a warrant issued by a proper officer. Any officer or other person searching any place, thing or person otherwise than by virtue of and under a search warrant, shall be guilty of malfeasance in office.

Any officer or person violating the provisions of this section shall be liable to any person aggrieved thereby in both compensatory and punitive damages.

Officer Erickson unlawfully searched my person outside at the patrol car and took my property. Officer Erickson ordered me to enter the car. At that point I informed officer Erickson that I was disabled and needed help getting into the very confined space. He then grabbed my pants leg and used his shoulder to shove me into the car injuring my shoulder and chest.

COUNT 9 x2 Violation of 42 U.S. Code 1983

§18 U.S. Code § 4 - Misprision of felony. Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years, or both.

14th Amendment Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; **nor deny to any person within its jurisdiction the equal protection of the laws.**

Not only did Officers Ericsson and Green failed to protect me from the abuse of the unnamed officer in the body cam footage, but also failed/or chose not to, report the same.

COUNT 10x 4 Violation of 42 U.S. Code 1983

TITLE 18, U.S.C., SECTION 242 “ Persons acting under color of law within the meaning of this statute include police officers, prisons guards and other law enforcement officials, as well as judges, care providers in public health facilities, and others who are acting as public officials.”

The very basics of our laws are taught to school children. Required teaching in police training, and law school. The Constitution and the bill of “RIGHTS” is the very foundation of the our laws and it's limits. There can be no excuse for a police officer to think they don't need a warrant to enter the private residence and pull me out, when there is no hot pursuit, no emergency, no crime witnessed, no probable cause or any other lawful reason to do so.

There is no excuse for a trained, experienced attorney, with more then a decade of experience, now the Assistant Commonwealth's District Attorney.

On June 6th 2021 Assistant Commonwealth's Attorney, Tim Boyer, Ofc. Green, Ofc. Erickson and one other unnamed officer (unnamed officer videoed with police body cam attacking me in my home) conspired against me in order to get me to surrender my constitutionally, protected rights. I was Trespassed upon, Threatened with a firearm, Assaulted, Battered, Abducted, and then Falsely Imprisoned. Also, to add insult to injury, ofc. Green and/or ofc. Erickson, violated 18 U.S. Code § 4 – Misprision of felony in that they did not, to the best of my knowledge, report the actions of the Unnamed Officer.

Relief Sought

Damages against the defendants in an amount to be determined at trial which will fairly and reasonably compensate the plaintiffs for all compensatory damages to be proven at trial;

2.Punitive damages against the individual defendants in the amount of \$350,000. for each COUNT, of violation 42 U.S. Code 1983

and

3.Reasonable fees and costs.

Plaintiff petitions for a jury trial demand

Sincerely



Tony McKenna,

837 Portsmouth Ave.

Apt F-12 Bristol VA 24201

(Now 249 New Haven LN. Apt 205) Ph# 276-494-0477

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF BRISTOL

TONY McKENNA,

Plaintiff,

v.

CITY OF BRISTOL, et al.,

Defendants.

Case No. CL21000802-00

DEMURRER

Defendants City of Bristol, City of Bristol Police Department, Police Chief, Officer Green, and Officer Erickson, by counsel, demur to the Complaint and state that it is insufficient at law and ought not to be prosecuted for the following reasons:

1. The City of Bristol cannot be held liable by virtue of the doctrines of sovereign, governmental, and/or qualified immunity.
2. The Defendant sued as City of Bristol Police Department is not an entity that is capable of being sued.
3. Plaintiff has not stated a cause of action against any of these Defendants under 42 U.S.C. § 1983 because there is no claim for violation of 42 U.S.C. § 1983.
4. Plaintiff has not stated a cause of action against any of these Defendants because state law cannot be the source of a claim under 42 U.S.C. § 1983.
5. Plaintiff has failed to state a cause of action against any of these Defendants under 42 U.S.C. § 1983.

WHEREFORE, Defendants respectfully request that the Court sustain the Demurrer and dismiss the Complaint with prejudice.

FILED: January 3, 2022
TIME: 4:15 pm
CIRCUIT COURT CLERKS OFFICE
CITY OF BRISTOL, VA
KELLY L. FLANNAGAN, CLERK
BY: [Signature] D.C.

CITY OF BRISTOL,
BRISTOL POLICE DEPARTMENT,
POLICE CHIEF,
OFFICER GREEN, and
OFFICER ERICKSON

By: 

Of Counsel

Jim H. Guynn, Jr., Esq. (VSB #22299)
Emily Stubblefield, Esq. (VSB #96164)
Guynn, Waddell, Carroll & Lockaby, P.C.
415 S. College Avenue
Salem, VA 24153
Phone: 540-387-2320
Fax: 540-389-2350
Email: jimg@guynnwaddell.com
emilys@guynnwaddell.com
*Counsel for Defendants City of Bristol,
Bristol Police Department, Police Chief,
Officer Green, and Officer Erickson*

CERTIFICATE OF SERVICE

I hereby certify that I have this 3rd day of January, 2022, served the foregoing by mailing
a true and correct copy of the same to:

Tony McKenna
249 New Haven Ln., Apt. 205
Bristol, VA 24201
pro se Plaintiff


Jim H. Guynn, Jr.

**In the Bristol City Circuit Court
28th Judicial Circuit of Virginia**

Tony McKenna

Plaintiff,

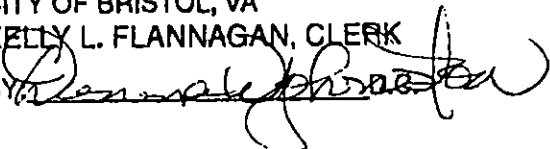
v.

Police Chief
Bristol VA. Police Department,
The City of Bristol, Virginia
Ofc. Green, Bristol City Police
Ofc. Erickson, Bristol City
Police

Assistant Commonwealth's
Attorney, Tim Boyer
and one unidentified Bristol
Virginia police Officer. Now
identified by Police Chief
as Ofc. Charles Thomas Jr
Bristol VA city police

Defendant.

Civil Action No. CL21000-802-00

FILED: Jan 11 2022
TIME: 11:15
CIRCUIT COURT CLERKS OFFICE
CITY OF BRISTOL, VA
KELLY L. FLANNAGAN, CLERK
BY: 

DEMURRER

Objections defendants Demurrer

Comes now the Plaintiff, Tony McKenna, an individual, not a lawyer. I do not have a VSB number but do have the ability to look it up to find out that it is a membership number for the Virginia State Bar. I am not that. I am also not "Pro Se" as described by defendants certificate of service. Pro Se would claim I am knowledgeable in legalese that has been developed by Lawyers over 200 years. And subject to the strict rules make up by and for members of the VBA. I am proceeding to court Forma Pauperis. Another phrase I did not understand before filing this complaint. But I'm learning not only to succeed in my complaint, but out of respect for the court. The Law belongs to me and every citizen, legalese to the lawyers. Our system of law was not meant to restrict access of the courts to the ignorant and poor. I am a high school drop out who joined the navy, my communication skills are best described as gutter vernacular. I am 61 years old and disabled. My fixed income does not allow for a \$2,000 retainer fro a VBA lawyer and many do not wish to take on a "sovereign immunity" case. (brings to mind King James - Luke 11-46 for the lawyers) I pray that the court sees the defendants Demurrer for what it is. An attempt to avoid trial through legalese. Therefore I object to defendants position that this claim should be dismissed with prejudice and requests that the Court dismiss/over rule/reject, whatever the terminology may be, defendants Demurrer pursuant to answers to defendants claims below 1 through 5 and any and all other relevant information known to the court as Judicial Notice. Not considered practicing law from the bench or legal advice, but generally known within the legal community and unknown to the unwashed masses. Because if known, would respectfully be followed.

Objections one to five

1) When constitutional rights are violated, The City of Bristol, a government entity, loses its cloak of immunity. Rights were claimed by me, and violated at the behest of the Commonwealth's Attorney for the City of Bristol. If an Attorney representing me makes a mistake, it is I, who is deemed responsible. As it is so, for the City of Bristol, acting under color of law to violate constitutional rights. The Commonwealth's attorney IS the city of Bristol

Davis v. Wechsler, 263 US 22, 24. "Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them." Sovereign, government, and/or qualified immunity does not supersede/trump, the Constitution. The Attorney's mistake was in breaking the law and choosing to conspire with police to deny me my constitutional rights in order to obtain "papers and effects" without a warrant

Also, The City of Bristol is not exempt.

A municipality/city may be held liable for an officer's actions when the plaintiff establishes the officer violated their constitutional right, and that violation resulted from an official municipal policy, an unofficial custom, or because the municipality was deliberately indifferent in a failure to train or supervise the officer. The police departments own forms and statements in the police report shows a connection to policy which was ratified by the commonwealth's attorney. An officers need to fill in the blanks on a form is not my responsibility and making it so under threat of arrest is a violation of my rights.

2) The police department, which is a creature of a municipal corporation, City of Bristol, is responsible for the training and conduct of its officers. If there is another title, that for legal reasons the police department goes under, then it is up to the department to make that known to the plaintiff. Many times I brought these issues as criminal complaints to the police station by phone and in writing, only to be ignored. And I sent letters of intent of civil action with no response. Under the common law principle, Doctrine of Good Faith, a Common law principle "Uberrimae fidei" meaning "of utmost good faith" Bristol City Police Department had the responsibility to take my complaint or direct me to the proper office to file. If the City of Bristol and the City of Bristol's Police department is one in the same, then it would also be "Uberrimae fidei" for the defendants lawyers to give me a heads up on that in the name of justice. Instead of putting a "win" ahead of their oaths, to defend the Constitution above all other.

"As officers of the courts, lawyers are sworn to support the Constitution not just of the state in which they seek to practice, but above all, to support the Constitution of the United States. This promise is included first in every state's attorney oath, and it is the most important promise that a new attorney will make. It commands an attorney to take action to ensure the supreme law of the land is followed and upheld. This promise is a burden on all lawyers—every lawyer must defend the US Constitution, in all ways, at all times."

American Bar Association

And

In any case, Under the ratification theory, the plaintiff argues, that because the municipality subsequently approved of conduct by its officials that deprived the plaintiff of his constitutional rights, the municipality should be liable under §1983. In *City of St. Louis v. Praprotnik*,⁴ a plurality in the United States Supreme Court accepted this theory: when a final policy maker "approve[d] a subordinate's decision and the basis for it, their ratification would be chargeable to the municipality. The Commonwealth Attorney is the City of Bristol and The City of Bristol Police Department.

3) This pursuit for justice should not be dismissed for mere semantics and/or form. The cause of action and claims are made all through the 4 pages of my complaint after the first page. The reasonable thinking person test would surely show intent. Actions of defendants and how I have been wronged have been explained and laws and rights have been listed. Through defendants Demurrer it is plain that they do not argue the facts but the law. Therefore seeking a technicality to have this case dismissed. With the police report and the body cam footage, plaintiff's claim has every reason to be successful.

4) State law is NOT the source of the claim. Listing the state law is simply showing their acts are unlawful. It is their "acts" that are the source of the claim and 42 U.S.C. 1983 is the vehicle that brings this case to trial. Kicking in my door to serve a civil complaint is when immunity went out the window.

5) Cause of action has been stated in the body of Complaint filed case # CL21000802-00. While it may not be in form, the information contained shows cause and claim. The very first part of the "Statement of Claim" claims negligence and injury among other damages. On the fourth page, listed as count 8, claims injuries to my shoulder and chest. Under relief sought one can see that I'm seeking compensatory damages. To be proven in court because because my medical expenses are on going and I found that the statute of limitations to file on municipal corporation is 6 months. Therefore, compensatory damages to be proven/presented at trial.

Sincerely

Tony McKenna.

Copies to

Jim H Guynn, Guynn, Waddell, Carroll & Lockaby 415 S. College Avenue, Salem, VA 24153

Bristol City Police Officer Charles Thomas Jr, 501 Scott St, Bristol VA 24201

Assistant Commonwealth's Attorney for the city of Bristol, Tim Boyer 230 Piedmont 2nd floor Bristol VA 24201

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF BRISTOL

TONY McKENNA,

Plaintiff,

v.

Case No. CL21000802-00

POLICE CHIEF,
BRISTOL, VA POLICE DEPARTMENT,
CITY OF BRISTOL, VIRGINIA,
OFFICER GREEN, BRISTOL CITY POLICE,
OFFICER ERICKSON, BRISTOL CITY POLICE,
ASSISTANT COMMONWEALTH'S ATTORNEY TIM BOYER,
AND
OFFICER CHARLES THOMAS, JR., BRISTOL VA CITY POLICE

Defendants.

NOTICE OF FILING OF DEFENDANTS' NOTICE OF REMOVAL

PLEASE TAKE NOTICE that on this 12th day of January, 2022, Defendants, by counsel, filed with the United States District Court for the Western District of Virginia, Abingdon Division, a Notice of Removal of this case to the United States District Court. A copy of Defendants' Notice of Removal is attached hereto as Exhibit 1.

Pursuant to 28 U.S.C. § 1446(d), no further action should be taken in the state court unless and until the action is remanded.

FILED: January 18, 2022
TIME: 1:00 pm
CIRCUIT COURT CLERKS OFFICE
CITY OF BRISTOL, VA
KELLY L. FLANNAGAN, CLERK
BY: [Signature] D.C.

POLICE CHIEF
BRISTOL, VA POLICE DEPARTMENT,
CITY OF BRISTOL, VIRGINIA
OFFICER GREEN, OFFICER ERICKSON,
ASSISTANT COMMONWEALTH'S ATTORNEY
TIM BOYER, and OFFICER CHARLES
THOMAS, JR.

By: 

Of Counsel

Jim H. Guynn, Jr., Esq. (VSB #22299)
Emily Stubblefield, Esq. (VSB #96164)
Guynn, Waddell, Carroll & Lockaby, P.C.
415 S. College Avenue
Salem, VA 24153
Phone: 540-387-2320
Fax: 540-389-2350
Email: jimg@guynnwaddell.com
emilys@guynnwaddell.com
Counsel for Defendants

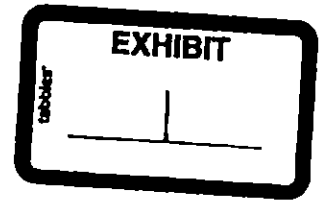
CERTIFICATE OF SERVICE

I hereby certify that I have this 12th day of January, 2022, served the foregoing by
mailing a true and correct copy of the same to:

Tony McKenna
249 New Haven Ln., Apt. 205
Bristol, VA 24201
pro se Plaintiff


Jim H. Guynn, Jr.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION



TONY McKENNA,

Plaintiff,

v.

Case No. _____

POLICE CHIEF,
BRISTOL, VA POLICE DEPARTMENT,
CITY OF BRISTOL, VIRGINIA
OFFICER GREEN, BRISTOL CITY POLICE
OFFICER ERICKSON, BRISTOL CITY POLICE,
ASSISTANT COMMONWEALTH'S ATTORNEY TIM BOYER
and
OFFICER CHARLES THOMAS, JR., BRISTOL VA CITY POLICE

Defendants.

NOTICE OF REMOVAL

Defendants, by counsel and pursuant to 28 U.S.C. §§ 1441, 1446, and 1331, file this Notice of Removal and remove this civil action (CL21000802-00) to this Court from the Circuit Court for City of Bristol, Virginia. In support of this Notice, Defendants state:

1. Plaintiff filed a Complaint and Amended Complaint against Defendants in the Circuit Court for City of Bristol a, asserting claims pursuant to 42 U.S.C. § 1983. Removal is appropriate under 28 U.S.C. § 1441(a) because this Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1331. Defendants are filing copies of all process, pleadings, and orders served on it in this action, as required by 28 U.S.C. § 1446(a).

2 This Notice is filed within 30 days of receipt of the Complaint by Defendants, pursuant to 28 U.S.C. § 1446(b).

3. Defendants have given notice of the filing of this Notice to Plaintiff pro se and to the Circuit Court for City of Bristol.

4. This Court embraces the place where the state court action is pending.

POLICE CHIEF
BRISTOL, VA POLICE DEPARTMENT,
CITY OF BRISTOL, VIRGINIA
OFFICER GREEN, OFFICER ERICKSON,
ASSISTANT COMMONWEALTH'S ATTORNEY
TIM BOYER, and OFFICER CHARLES
THOMAS, JR.

By: /s/ Jim H. Guynn, Jr.

Jim H. Guynn, Jr. (VSB #22299)

Emily Stubblefield (VSB #96164)

Guynn, Waddell, Carroll & Lockaby, P.C.

415 S. College Avenue

Salem, Virginia 24153

Phone: 540-387-2320

Fax: 540-389-2350

Email: jimg@guynnwaddell.com

emilys@guynnwaddell.com

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on January 12, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and I hereby certify that I have mailed by United States Postal Service the document to the following:

Tony McKenna
249 New Haven Ln., Apt. 205
Bristol, VA 24201
Pro se Plaintiff

/s/ Jim H. Guynn, Jr.

Jim H. Guynn, Jr. (VSB #22299)

Emily Stubblefield (VSB #96164)

Guynn, Waddell, Carroll & Lockaby, P.C.

415 S. College Avenue

Salem, Virginia 24153

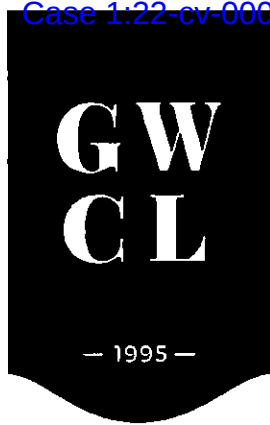
Phone: 540-387-2320

Fax: 540-389-2350

Email: jimg@guynnwaddell.com

emilys@guynnwaddell.com

Counsel for Defendants



Guynn, Waddell, Carroll & Lockaby, P.C.

- Attorneys at Law -

Jim H. Guynn Jr. Jeremy E. Carroll Michael W.S. Lockaby Mark C. Popovich
Emily K. Stubblefield Christopher S. Dadak Julian F. Harf Matthew J. Schmitt

January 12, 2022

Hon. Kelly Lee Flannagan, Clerk
Bristol Circuit Court
497 Cumberland Street
Bristol, VA 24201

FILED: January 18, 2022
TIME: 1:00 pm
CIRCUIT COURT CLERKS OFFICE
CITY OF BRISTOL, VA
KELLY L. FLANNAGAN, CLERK
BY: [Signature] D.C.

Re: Tony McKenna v. Police Chief, et al.
Bristol Circuit Court, Case No. CL21000802-00

Dear Ms. Flannagan:

Enclosed is a Notice of Filing of Notice of Removal for filing on behalf of Defendants in the above-referenced matter. By copy of this letter, we are sending a copy of the same to pro se plaintiff.

Thank you for your assistance in this matter. Should you have any questions, or need any additional information, please do not hesitate to call.

Very truly yours,

GUYNN, WADDELL, CARROLL & LOCKABY, P.C.

[Signature]
Jim H. Guynn, Jr.

JHG/lau
Enclosures
cc/enc: Tony McKenna
Randall C. Eads, Esq.
Chief John S. Austin
Shane Quinley
Tim Boyer, Esq.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION

TONY MCKENNA,

Plaintiff,

v.

BRISTOL VA CITY POLICE
DEPARTMENT, et al.

Defendants.

)
)
) Case No. 1:22cv22
) State Court No. CL21-802
)
)

ORDER

This case was recently removed from the Circuit Court for City of Bristol to the United States District Court for the Western District of Virginia at Abingdon. This court, finding it necessary and proper to do so, hereby REQUESTS that the original case file in your Court be forwarded to the Clerk of this court at 180 W. Main Street, Room 104, Abingdon, VA 24210, or submitted through this court's Case Management and Electronic Case Filing system (CM/ECF).

The Clerk is directed to send a copy of this Order to the Clerk of the Circuit Court for City of Bristol.

ENTERED: January 13, 2022

/s/ Pamela Meade Sargent
UNITED STATES MAGISTRATE JUDGE

FILED: January 18, 2022

TIME: 1:00 pm
CIRCUIT COURT CLERKS OFFICE
CITY OF BRISTOL, VA
KELLY L. FLANNAGAN, CLERK

BY: [Signature] D.C.

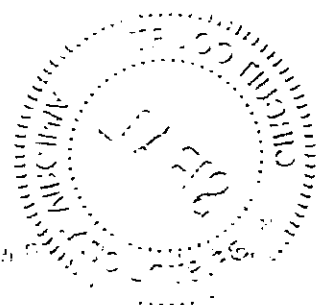
A COPY TESTE
Kelly L. Flannagan, Clerk
Circuit Court City of Bristol, VA

By: [Signature]
Dep. Clerk

**ECF
DOCUMENT**

I hereby attest and certify that this is a printed copy of a document that was electronically filed with the United States District Court for the Western District of Virginia
Date Filed 1/13/22

By: A. Meade Julia C. Dudley, Clerk of Court
Deputy Clerk



Receipt : 21000008212



OFFICIAL RECEIPT
BRISTOL CITY CIRCUIT COURT
CIVIL

DATE : 12/07/2021 TIME : 15:00:08
RECEIPT # : 21000008212 TRANSACTION # : 21120700026
CASHIER : DWJ REGISTER # : B433
CASE COMMENTS : MCKENNA, TONY v. POLICE DEPARTMENT BRISTOL
SUIT AMOUNT : \$0.00
ACCOUNT OF : MCKENNA, TONY
PAID BY : MCKENNA, TONY
CASH : \$0.00

DESCRIPTION 1 : COM:COMPLAINT - CATCH-ALL
2 : PLAINTIFF: MCKENNA, TONY
3 : NO HEARING SCHEDULED

CASE # : 520CL2100080200
FILING TYPE : COM

PAYMENT : FULL PAYMENT

ACCOUNT CODE	DESCRIPTION	PAID
049	WRIT TAX (CIVIL)	\$0.00
106	TECHNOLOGY TRST FND	\$0.00
123	LEGAL AID SERVICES	\$0.00
147	INDIGENT ASSISTANCE (INA)	\$0.00
170	COURT TECHNOLOGY FUND	\$0.00

ACCOUNT CODE	DESCRIPTION	PAID
219	LAW LIBRARY	\$0.00
229	COURTHOUSE MAINTENANCE FEE (CHMF)	\$0.00
304	CIVIL FILING FEE (LAW & EQUITY)	\$0.00

TENDERED : \$ 0.00
AMOUNT PAID : \$ 0.00

**In the Bristol City Circuit Court
28th Judicial Circuit of Virginia**

Tony McKenna

Plaintiff,

v.

Police Chief
Bristol VA. Police Department,
The City of Bristol, Virginia
Ofc. Green, Bristol City Police
Ofc. Erickson, Bristol City
Police
Assistant Commonwealth's
Attorney, Tim Boyer
and one unidentified Bristol
Virginia police Officer. Now
identified by Police Chief
as Ofc. Charles Thomas Jr
Bristol VA city police
Defendant.

Civil Action No. CL21-802

ORDER GRANTING PLAINTIFF'S MOTION FOR LEAVE TO AMEND COMPLAINT

This Matter, having come before the Court on the Plaintiff's Motion for Leave to amend complaint
It appearing, for good cause shown, that the Motion should be granted.
IT IS HEREBY ORDERED that Plaintiff is granted leave to amend complaint.

Entered this 28th day of December, 2021

By Sage B. Johnson

Copies to:

Police Chief

Bristol VA. Police Department,
The City of Bristol, Virginia
Ofc. Green, Bristol City Police
Ofc. Erickson, Bristol City Police
Ofc. Charles Thomas Jr Bristol City Police
Assistant Commonwealth's Attorney, Tim Boyer

A COPY TESTE:

Kelly L. Flannagan, Clerk
Circuit Court City of Bristol, VA

By [Signature]
Dep. Clerk

In the Bristol City Circuit Court
28th Judicial Circuit of Virginia
AMENDED

Tony McKenna

V.

Police Chief
Bristol VA. Police Department,
The City of Bristol, Virginia
Ofc. Green, Bristol City Police
Ofc. Erickson, Bristol City Police
Assistant Commonwealth's Attorney, Tim Boyer
and one unidentified Bristol Virginia police Officer. Now identified by Police Chief
as Ofc. Charles Thomas Jr Bristol VA city police
(shown in body cam footage, trespassing, assaulting and battering me)

Now comes Tony McKenna, on this day 11/30/2021, Plaintiff pursuant to 42 U.S. Code 1983 civil action for deprivation of rights. Also pursuant to Virginia state laws, U.S. Code, the Constitution of the United States, Bill of rights at the 4th 5th and 14th Amendments.

I) The Parties to This Complaint
A. The Plaintiff

Tony McKenna, non lawyer
Resident Bristol City
837 Portsmouth Ave Apt F-12
Bristol VA 24201
(Now 249 New Haven LN Apt205)
Same location new address.

B. The Defendants

Bristol VA. City Police Department
Bristol VA. Police Officer Erickson
Bristol VA. Police Officer Green
Bristol VA. Police Officer Charles Thomas Jr
501 Scott St, Bristol VA
24201
City of Bristol
City Hall 300 lee street

Bristol VA 24201
Assistant Commonwealth's Attorney
for the City of Bristol, Tim Boyer
230 Piedmont 2nd floor
Bristol VA 24201

Basis for Jurisdiction

42 U.S. Code 1983 civil action for deprivation of rights. Also pursuant to Virginia state laws, U.S. Code, the Constitution of the United States, Bill of rights at the 4th 5th and 14th Amendments.

II Statement of Claim

Gross negligence and/or willful, wanton negligence.
City of Bristol failed to assure proper training of Police officers and other city, county, state employees.
Or, violators simply chose to ignore training. As a result causing me injury and other damages.

Violation of 42 U.S. Code 1983, counts below. 20 counts in total

COUNT 1 x4 Violation of 42 U.S. Code 1983

Va Code § 18.2-22. Conspiracy to commit felony. & Section 241 of Title 18 USC

On June 6th 2021 Assistant Commonwealth's Attorney, Tim Boyer, Ofc. Green, Ofc. Erickson and one other unnamed officer (unnamed officer videoed with police body cam attacking me in my home). The above named conspired against me in order to get me to surrender my constitutionally, protected rights.

Section 241 of Title 18 USC makes it unlawful for two or more persons to agree together to injure, threaten, or intimidate a person in any state, territory or district in the free exercise or enjoyment of any right or privilege secured to him/her by the Constitution or the laws of the United States, (or because of his/her having exercised the same). Unlike most conspiracy statutes, Section 241 does not require that one of the conspirators commit an overt act prior to the conspiracy becoming a crime.

"if such acts include kidnapping" (Va. Code Ann. § 18.2-47, uses the terms abduction and kidnapping synonymously) "they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death."

Va Code § 18.2-22. (a) If any person shall conspire, confederate or combine with another, either within or outside the Commonwealth, to commit a felony within the Commonwealth, or if he shall so conspire, confederate or combine with another within the Commonwealth to commit a felony either within or outside the Commonwealth, he shall be guilty of a felony that shall be punishable as follows: (1) Every person who so conspires to commit an offense that is punishable as a Class 1 felony is guilty of a Class 3 felony; **Class 3 Felony**
A Class 3 felony in Virginia is punished with 5 years up to 20 years in prison and a fine up to \$100,000.

Every act, after the unlawful entry of my home, is an UNLAWFUL act by the above named defendants.

COUNT 2 x1 Violation of 42 U.S. Code 1983

Va Code § 18.2-282. **Pointing, holding, or brandishing firearm**, air or gas operated weapon or object similar in appearance to, “reasonably induce fear in the mind of another”.

Unnamed officer kicked open my door with gun drawn to achieve by force and threat, to coerce obedience and compliance for me to surrender the safety of my constitutionally protected home. Dragging me out of my private home into a semi public breeze way. Removing me from a private place that would require a warrant, to a semi public place where I might be subject to a possible resisting arrest and or obstruction of law charge. Under threat of bodily harm I was forced to surrender my right to exercise my right to be secure in my home and be silent.

A. It shall be unlawful for any person to point, hold or brandish any firearm or any air or gas operated weapon or any object similar in appearance, whether capable of being fired or not, in such manner as to reasonably induce fear in the mind of another

COUNT 3 x1 Violation of 42 U.S. Code 1983

Va Code § 18.2-121. **Entering property of another for purpose of damaging it, etc.** “or in any manner to interfere with the rights of the owner, user, or occupant” thereof to use such property free from interference.

Unnamed officer extracted me from the safety of my home protected by 4th amendment and placed me in a semi public place where I no longer have the protection of the requirement of a 4th amendment warren. Provoking me to possible assaulting an officer or resisting arrest charges, although unlawful.

COUNT 4 x1 Violation of 42 U.S. Code 1983

Va Code § 18.2-57 **Assault and battery**. A. “Any person who commits a simple assault or assault and battery shall be guilty of a Class 1 misdemeanour”. Assault is an intentional, offensive, or harmful act that may cause reasonable anxiety or fear of expected injury. It includes intimidation by non-physical acts that cause fear in another person.

Unnamed officer made an assault on my home and my person by kicking in the door, with his gun drawn at the ready, grabbing my arm and pulling me out. No warrant, no emergency, no exigent circumstances and no hot pursuit. But simply to serve a civil complaint. This is an unlawful act under color of law.

COUNT 5 x1 Violation of 42 U.S. Code 1983

Va Code § 18.2-404. **Obstructing free passage of others.**

Any person or persons who in any public place or on any private property open to the public unreasonably or unnecessarily obstructs the free passage of other persons to and from or within such place or property and who shall fail or refuse to cease such obstruction or move on when requested to

do so by the owner or lessee or agent or employee of such owner or lessee or by a duly authorized law-enforcement officer shall be guilty of a Class 1 misdemeanor.

Unnamed officer blocked my path to the protection of my leased property thereby denying me the protection of the 4th amendment.

COUNT 6 x1 Violation of 42 U.S. Code 1983

Va Code § 18.2-57 Assault and Battery (second count)

Battery with Malicious Intent/Conduct (Blacks Law, Malice: "malice is a condition of the mind which shows a heart regardless of social duty and fatally bent on mischief, the existence of which is inferred from acts committed or words spoken." Harris v. State, 8 Tex. App. 109.) battery is an intentional contact of another person physically, in an "offensive" or harmful manner without their consent, justification, or legal basis. Unnamed officer, under color of law, after dragging me from my constitutionally protected environment, attacked me a second time by slapping my hands while my hands were behind my back with no threat to him. Totally outrageous, unnecessary, unlawful and combined with His above acts and speech ("YOU HAVE NO RIGHTS") after I asserted my rights shows absolute malice.

Miller v. US (5th Circuit) 230 F. 2d. 486 (1956) "The claim and exercise of a constitutional right cannot thus be converted into a crime"

COUNT 7 x4 Violation of 42 U.S. Code 1983

Va Code §18.2-47. **Abduction and kidnapping.** A. Any person who, by force, intimidation or deception, and without legal justification or excuse, seizes, takes, transports, detains or secretes another person with the intent to deprive such other person of his personal liberty or to withhold or conceal him from any person, authority or institution lawfully entitled to his charge, shall be deemed guilty of "abduction."

C. The provisions of this section shall not apply to any law-enforcement officer in the performance of his duty. (*When officers act outside of the law, they lose their cloak of immunity*) (*Davis v. Wechsler*, 263 US 22, 24. "Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them.") The terms "abduction" and "kidnapping" shall be synonymous in this Code. Abduction for which no punishment is otherwise prescribed shall be punished as a Class 5 felony. (" by force, intimidation or deception, and without legal justification")

When officers act outside of the law, they lose their cloak of immunity. By instruction from Assistant Commonwealth's Attorney Tim Boyer, Ofc. Green, Ofc. Erickson, and one unidentified Bristol Virginia police Officer, (shown in body cam footage, trespassing, assaulting and battering me) took me by force, intimidation and deception, without legal justification, and imprisoned me. Kept me imprisoned, in hand cuffs and leg irons. Only on the condition that I surrender my constitutional rights to papers and effects, would they release me.

COUNT 8 x1 Violation of 42 U.S. Code 1983

Va Code § 19.2-59. Search without warrant prohibited; when search without warrant lawful.

No officer of the law or any other person shall search any place, thing or person, except by virtue of and under a warrant issued by a proper officer. Any officer or other person searching any place, thing or person otherwise than by virtue of and under a search warrant, shall be guilty of malfeasance in office.

Any officer or person violating the provisions of this section shall be liable to any person aggrieved thereby in both compensatory and punitive damages.

Officer Erickson unlawfully searched my person outside at the patrol car and took my property. Officer Erickson ordered me to enter the car. At that point I informed officer Erickson that I was disabled and needed help getting into the very confined space. He then grabbed my pants leg and used his shoulder to shove me into the car injuring my shoulder and chest.

COUNT 9 x2 Violation of 42 U.S. Code 1983

§18 U.S. Code § 4 - Misprision of felony. Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years, or both.

14th Amendment Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; **nor deny to any person within its jurisdiction the equal protection of the laws.**

Not only did Officers Ericsson and Green failed to protect me from the abuse of the unnamed officer in the body cam footage, but also failed/or chose not to, report the same.

COUNT 10x 4 Violation of 42 U.S. Code 1983

TITLE 18, U.S.C., SECTION 242 " Persons acting under color of law within the meaning of this statute include police officers, prisons guards and other law enforcement officials, as well as judges, care providers in public health facilities, and others who are acting as public officials."

The very basics of our laws are taught to school children. Required teaching in police training, and law school. The Constitution and the bill of "RIGHTS" is the very foundation of the our laws and it's limits. There can be no excuse for a police officer to think they don't need a warrant to enter the private residence and pull me out, when there is no hot pursuit, no emergency, no crime witnessed, no probable cause or any other lawful reason to do so.

There is no excuse for a trained, experienced attorney, with more then a decade of experience, now the Assistant Commonwealth's District Attorney.

On June 6th 2021 Assistant Commonwealth's Attorney, Tim Boyer, Ofc. Green, Ofc. Erickson and one other unnamed officer (unnamed officer videoed with police body cam attacking me in my home) conspired against me in order to get me to surrender my constitutionally, protected rights. I was Trespassed upon, Threatened with a firearm, Assaulted, Battered, Abducted, and then Falsely Imprisoned. Also, to add insult to injury, ofc. Green and/or ofc. Erickson, violated 18 U.S. Code § 4 – Misprision of felony in that they did not, to the best of my knowledge, report the actions of the Unnamed Officer.

Relief Sought

Damages against the defendants in an amount to be determined at trial which will fairly and reasonably compensate the plaintiffs for all compensatory damages to be proven at trial;

2.Punitive damages against the individual defendants in the amount of \$350,000. for each COUNT, of violation 42 U.S. Code 1983

and

3.Reasonable fees and costs.

Plaintiff petitions for a jury trail demand

Sincerely

Tony McKenna,
837 Portsmouth Ave.
Apt F-12 Bristol VA 24201
(Now 249 New Haven LN. Apt 205) Ph# 276-494-0477

COMMONWEALTH OF VIRGINIA



BRISTOL CIRCUIT COURT
Civil Division
497 CUMBERLAND STREET COURTHOUSE, ROOM 210
BRISTOL VA 24201
(276) 645-7321

Summons

To: BRISTOL VA CITY POLICE DEPT
BVPD
501 SCOTT STREET
BRISTOL VA 24201

Case No. 520CL21000802-00

The party upon whom this summons and the attached complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the clerk's office of this court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment, or decree against such party either by default or after hearing evidence.

Appearance in person is not required by this summons.

Done in the name of the Commonwealth of Virginia on, Thursday, December 09, 2021

Clerk of Court: KELLY L FLANNAGAN

by 
(CLERK/DEPUTY CLERK)

Instructions:

Hearing Official:

Attorney's name:

COMMONWEALTH OF VIRGINIA



BRISTOL CIRCUIT COURT
Civil Division
497 CUMBERLAND STREET COURTHOUSE, ROOM 210
BRISTOL VA 24201
(276) 645-7321

Virginia:

Proof of Service

In the **BRISTOL CIRCUIT COURT**

Case number: 520CL21000802-00
Service number: 001
Service filed: December 07, 2021
Judge:

Served by: **BRISTOL CITY**
Style of case: **TONY MCKENNA vs POLICE DEPART BRISTOL VA CITY**
Service on: **BRISTOL VA CITY POLICE DEPT** Attorney:
BVPD
501 SCOTT STREET
BRISTOL VA 24201

Instructions:

Returns shall be made hereon, showing service of Summons issued Thursday, December 09, 2021 with a copy of the Complaint filed Tuesday, December 07, 2021 attached.

Hearing date :

Service issued: Thursday, December 09, 2021

For Sheriff Use Only

COMMONWEALTH OF VIRGINIA



BRISTOL CIRCUIT COURT

Civil Division

497 CUMBERLAND STREET COURTHOUSE, ROOM 210

BRISTOL VA 24201

(276) 645-7321

RECEIVED

DEC 13 2021

BRISTOL VA. SHERIFF

02299

Proof of Service

Virginia:

In the BRISTOL CIRCUIT COURT

Case number: 520CL21000802-00

Service number: 001

Service filed: December 07, 2021

Judge:

Served by: BRISTOL CITY

Style of case: TONY MCKENNA vs POLICE DEPART BRISTOL VA CITY

Service on: BRISTOL VA CITY POLICE DEPT

Attorney:

BVPD

501 SCOTT STREET

BRISTOL VA 24201

Instructions:

Returns shall be made hereon, showing service of Summons issued Thursday, December 09, 2021 with a copy of the Complaint filed Tuesday, December 07, 2021 attached.

Hearing date :

Service issued: Thursday, December 09, 2021

For Sheriff Use Only

Executed on the 13 day of DEC, 2021
within the City of Bristol, Virginia by delivering a true
copy of the within SUMMONS & COMPLAINT In writing to
CAPT D. McILICAN in person.
DAVID W. MAPLES
Sheriff, City of Bristol, Virginia
[Signature]
Deputy Sheriff

FILED: DEC 13 2021
TIME: 3:45 PM
CIRCUIT COURT CLERKS OFFICE
CITY OF BRISTOL, VA
KELLY L. FLANNAGAN, CLERK
BY: [Signature]

COMMONWEALTH OF VIRGINIA



BRISTOL CIRCUIT COURT
Civil Division
497 CUMBERLAND STREET COURTHOUSE, ROOM 210
BRISTOL VA 24201
(276) 645-7321

Summons

To: OFFICER ERICKSON BRISTOL VA PD
NA
501 SCOTT STREET
BRISTOL VA 24201


Case No. 520CL21000802-00

The party upon whom this summons and the attached complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the clerk's office of this court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment, or decree against such party either by default or after hearing evidence.

Appearance in person is not required by this summons.

Done in the name of the Commonwealth of Virginia on, Thursday, December 09, 2021

Clerk of Court: KELLY L FLANNAGAN

by 
(CLERK/DEPUTY CLERK)

Instructions:

Hearing Official:

Attorney's name:

COMMONWEALTH OF VIRGINIA



BRISTOL CIRCUIT COURT
Civil Division
497 CUMBERLAND STREET COURTHOUSE, ROOM 210
BRISTOL VA 24201
(276) 645-7321

Proof of Service

Virginia:
In the BRISTOL CIRCUIT COURT

Case number: 520CL21000802-00
Service number: 002
Service filed: December 07, 2021
Judge:

Served by: BRISTOL CITY
Style of case: TONY MCKENNA vs POLICE DEPART BRISTOL VA CITY
Service on: OFFICER ERICKSON BRISTOL VA PD Attorney:
NA
501 SCOTT STREET
BRISTOL VA 24201

Instructions:

Returns shall be made hereon, showing service of Summons issued Thursday, December 09, 2021 with a copy of the Complaint filed Tuesday, December 07, 2021 attached.

Hearing date :

Service issued: Thursday, December 09, 2021

For Sheriff Use Only

COMMONWEALTH OF VIRGINIA



RECEIVED
DEC 13 2021
BRISTOL VA SHERIFF

0246

BRISTOL CIRCUIT COURT
Civil Division
497 CUMBERLAND STREET COURTHOUSE, ROOM 210
BRISTOL VA 24201
(276) 645-7321

Proof of Service

Virginia:
In the BRISTOL CIRCUIT COURT

Case number: 520CL21000802-00
Service number: 002
Service filed: December 07, 2021
Judge:

Served by: BRISTOL CITY
Style of case: TONY MCKENNA vs POLICE DEPART BRISTOL VA CITY
Service on: OFFICER ERICKSON BRISTOL VA PD Attorney:
NA
501 SCOTT STREET
BRISTOL VA 24201

Instructions:

Returns shall be made hereon, showing service of Summons issued Thursday, December 09, 2021 with a copy of the Complaint filed Tuesday, December 07, 2021 attached.

Hearing date :

Service issued: Thursday, December 09, 2021

For Sheriff Use Only

DELIVERED TO PERSON FOUND IN CHARGE OF
USUAL PLACE OF BUSINESS OR EMPLOYMENT
DURING BUSINESS HOURS AND GIVING
INFORMATION OF ITS PURPOSE.

FILED: DEC 13 2021
TIME: 3:45 PM
CIRCUIT COURT CLERKS OFFICE
CITY OF BRISTOL, VA
KELLY L. FLANNAGAN, CLERK

CAPT MILLIGAN
M. STAT DAVID H. MAPLES, SHERIFF
DEPUTY DATE

BY: [Signature]

COMMONWEALTH OF VIRGINIA



BRISTOL CIRCUIT COURT
Civil Division
497 CUMBERLAND STREET COURTHOUSE, ROOM 210
BRISTOL VA 24201
(276) 645-7321

Summons

To: OFFICER GREEN BRISTOL VA PD
501 SCOTT ST
BRISTOL VA 24201

Case No. 520CL21000802-00

The party upon whom this summons and the attached complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the clerk's office of this court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment, or decree against such party either by default or after hearing evidence.

Appearance in person is not required by this summons.

Done in the name of the Commonwealth of Virginia on, Thursday, December 09, 2021

Clerk of Court: KELLY L FLANNAGAN

by *Ronnie D. Johnson*
(CLERK/DEPUTY CLERK)

Instructions:

Hearing Official:

Attorney's name:

COMMONWEALTH OF VIRGINIA



BRISTOL CIRCUIT COURT

Civil Division

497 CUMBERLAND STREET COURTHOUSE, ROOM 210

BRISTOL VA 24201

(276) 645-7321

Proof of Service

Virginia:

In the BRISTOL CIRCUIT COURT

Case number: 520CL21000802-00

Service number: 003

Service filed: December 07, 2021

Judge:

Served by: BRISTOL CITY

Style of case: TONY MCKENNA vs POLICE DEPART BRISTOL VA CITY

Service on: OFFICER GREEN BRISTOL VA PD

Attorney:

501 SCOTT ST

BRISTOL VA 24201

Instructions:

Returns shall be made hereon, showing service of Summons issued Thursday, December 09, 2021 with a copy of the Complaint filed Tuesday, December 07, 2021 attached.

Hearing date :

Service issued: Thursday, December 09, 2021

For Sheriff Use Only

COMMONWEALTH OF VIRGINIA



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DEC 13 2021
BRISTOL VA SHERIFF

0247

BRISTOL CIRCUIT COURT
Civil Division
497 CUMBERLAND STREET COURTHOUSE, ROOM 210
BRISTOL VA 24201
(276) 645-7321

Proof of Service

Virginia:
In the BRISTOL CIRCUIT COURT

Case number: 520CL21000802-00
Service number: 003
Service filed: December 07, 2021
Judge:

Served by: BRISTOL CITY
Style of case: TONY MCKENNA vs POLICE DEPART BRISTOL VA CITY
Service on: OFFICER GREEN BRISTOL VA PD Attorney:
501 SCOTT ST
BRISTOL VA 24201

Instructions:

Returns shall be made hereon, showing service of Summons issued Thursday, December 09, 2021 with a copy of the Complaint filed Tuesday, December 07, 2021 attached.

Hearing date :

Service issued: Thursday, December 09, 2021

For Sheriff Use Only

DELIVERED TO PERSON FOUND IN CHARGE OF
USUAL PLACE OF BUSINESS OR EMPLOYMENT
DURING BUSINESS HOURS AND GIVING
INFORMATION OF ITS PURPOSE.

CAPT MILLIGAN
DAVID H. MAPLES, SHERIFF
DEPUTY
DATE 12-13-21

FILED: 12-13-21
TIME: 3:45 AM
CIRCUIT COURT CLERKS OFFICE
CITY OF BRISTOL, VA
KELLY L. FLANNAGAN, CLERK
BY: [Signature]

COMMONWEALTH OF VIRGINIA



BRISTOL CIRCUIT COURT
Civil Division
497 CUMBERLAND STREET COURTHOUSE, ROOM 210
BRISTOL VA 24201
(276) 645-7321

Summons

To: ASSIST COMMONWEALTH ATTY
TIM BOYER
230 PIEDMONT AVE 2ND FLOOR
BRISTOL VA 24201

Case No. 520CL21000802-00

The party upon whom this summons and the attached complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the clerk's office of this court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment, or decree against such party either by default or after hearing evidence.

Appearance in person is not required by this summons.

Done in the name of the Commonwealth of Virginia on, Thursday, December 09, 2021

Clerk of Court: KELLY L FLANNAGAN

by 
(CLERK/DEPUTY CLERK)

Instructions:

Hearing Official:

Attorney's name:

COMMONWEALTH OF VIRGINIA



BRISTOL CIRCUIT COURT
Civil Division
497 CUMBERLAND STREET COURTHOUSE, ROOM 210
BRISTOL VA 24201
(276) 645-7321

Proof of Service

Virginia:
In the BRISTOL CIRCUIT COURT

Case number: 520CL21000802-00
Service number: 004
Service filed: December 07, 2021
Judge:

Served by: BRISTOL CITY
Style of case: TONY MCKENNA vs POLICE DEPART BRISTOL VA CITY
Service on: ASSIST COMMONWEALTH ATTY Attorney:
TIM BOYER
230 PIEDMONT AVE 2ND FLOOR
BRISTOL VA 24201

Instructions:

Returns shall be made hereon, showing service of Summons issued Thursday, December 09, 2021 with a copy of the Complaint filed Tuesday, December 07, 2021 attached.

Hearing date :
Service issued: Thursday, December 09, 2021

For Sheriff Use Only

COMMONWEALTH OF VIRGINIA



BRISTOL CIRCUIT COURT
Civil Division
497 CUMBERLAND STREET COURTHOUSE, ROOM 210
BRISTOL VA 24201
(276) 645-7321

Proof of Service

Virginia:
In the BRISTOL CIRCUIT COURT

Case number: 520CL21000802-00
Service number: 004
Service filed: December 07, 2021
Judge:

Served by: BRISTOL CITY
Style of case: TONY MCKENNA vs POLICE DEPART BRISTOL VA CITY
Service on: ASSIST COMMONWEALTH ATTY
TIM BOYER
230 PIEDMONT AVE 2ND FLOOR
BRISTOL VA 24201
Attorney:

Instructions:

Returns shall be made hereon, showing service of Summons issued Thursday, December 09, 2021 with a copy of the Complaint filed Tuesday, December 07, 2021 attached.

Hearing date :

Service issued: Thursday, December 09, 2021

For Sheriff Use Only

Executed on the 10th day of December, 2021
within the City of Bristol, Virg. by delivering a true
copy of the within Summons & Complaint
Tim Boyer In writing to
_____ in person.
DAVID H. MAPLES M. STOUT
Sheriff, City of Bristol, Virginia
Lance Hetherington
Deputy Sheriff

FILED: 12-13-21
TIME: 2:30 PM
CIRCUIT COURT CLERKS OFFICE
CITY OF BRISTOL, VA
KELLY L. FLANNAGAN, CLERK
BY: [Signature]

COMMONWEALTH OF VIRGINIA**BRISTOL CIRCUIT COURT**

Civil Division

497 CUMBERLAND STREET COURTHOUSE, ROOM 210

BRISTOL VA 24201

(276) 645-7321

Summons

To: RANDALL EADS
CITY MANAGER
CITY HALL
300 LEE STREET
BRISTOL VA 24201

Case No. 520CL21000802-00

The party upon whom this summons and the attached complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the clerk's office of this court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment, or decree against such party either by default or after hearing evidence.

Appearance in person is not required by this summons.

Done in the name of the Commonwealth of Virginia on, Thursday, December 09, 2021

Clerk of Court: KELLY L FLANNAGAN

by 
(CLERK/DEPUTY CLERK)

Instructions:

Hearing Official:

Attorney's name:

COMMONWEALTH OF VIRGINIA



BRISTOL CIRCUIT COURT
Civil Division
497 CUMBERLAND STREET COURTHOUSE, ROOM 210
BRISTOL VA 24201
(276) 645-7321

Proof of Service

Virginia:
In the **BRISTOL CIRCUIT COURT**

Case number: 520CL21000802-00
Service number: 006
Service filed: December 07, 2021
Judge:

Served by: **BRISTOL CITY**
Style of case: **TONY MCKENNA vs POLICE DEPART BRISTOL VA CITY**
Service on: **RANDALL EADS** Attorney:
CITY MANAGER
CITY HALL
300 LEE STREET
BRISTOL VA 24201

Instructions:

Returns shall be made hereon, showing service of Summons issued Thursday, December 09, 2021 with a copy of the Complaint filed Tuesday, December 07, 2021 attached.

Hearing date :

Service issued: Thursday, December 09, 2021

For Sheriff Use Only

COMMONWEALTH OF VIRGINIA



BRISTOL CIRCUIT COURT
Civil Division
497 CUMBERLAND STREET COURTHOUSE, ROOM 210
BRISTOL VA 24201
(276) 645-7321

RECEIVED
DEC 13 2021
BRISTOL VA SHERIFF

0248

Virginia:
In the BRISTOL CIRCUIT COURT

Proof of Service

Case number: 520CL21000802-00
Service number: 006
Service filed: December 07, 2021
Judge:

Served by: BRISTOL CITY
Style of case: TONY MCKENNA vs POLICE DEPART BRISTOL VA CITY
Service on: RANDALL EADS
CITY MANAGER
CITY HALL
300 LEE STREET
BRISTOL VA 24201
Attorney:

Instructions:

Returns shall be made hereon, showing service of Summons issued Thursday, December 09, 2021 with a copy of the Complaint filed Tuesday, December 07, 2021 attached.

Hearing date :
Service issued: Thursday, December 09, 2021

For Sheriff Use Only

Executed on the 13 day of Dec, 2021
within the City of Bristol, Virginia by delivering a true
copy of the within Summons
Complaint In writing to
Randall Eads In person.
DAVID H. MAPLES
Sheriff, City of Bristol, Virginia
Deputy Sheriff

FILED Dec 13 2021
TIME: 3:45 PM
CIRCUIT COURT CLERKS OFFICE
CITY OF BRISTOL, VA
KELLY L. FLANNAGAN, CLERK
BY: [Signature]

COMMONWEALTH OF VIRGINIA



BRISTOL CIRCUIT COURT

Civil Division

497 CUMBERLAND STREET COURTHOUSE, ROOM 210

BRISTOL VA 24201

(276) 645-7321

Summons

To: POLICE CHIEF BRISTOL VA CITY
501 SCOTT STREET
BRISTOL VA 24201

Case No. 520CL21000802-00

The party upon whom this summons and the attached complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the clerk's office of this court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment, or decree against such party either by default or after hearing evidence.

Appearance in person is not required by this summons.

Done in the name of the Commonwealth of Virginia on, Tuesday, January 04, 2022

Clerk of Court: KELLY L FLANNAGAN

by 
(CLERK/DEPUTY CLERK)

Instructions:

Hearing Official:

Attorney's name:

COMMONWEALTH OF VIRGINIA



BRISTOL CIRCUIT COURT

Civil Division

497 CUMBERLAND STREET COURTHOUSE, ROOM 210

BRISTOL VA 24201

(276) 645-7321

Proof of Service

Virginia:

In the BRISTOL CIRCUIT COURT

Case number: 520CL21000802-00

Service number: 008

Service filed: December 07, 2021

Judge:

Served by: BRISTOL CITY

Style of case: TONY MCKENNA vs POLICE DEPT BRISTOL VA CITY

Service on: POLICE CHIEF BRISTOL VA CITY

Attorney:

501 SCOTT STREET
BRISTOL VA 24201

Instructions:

Returns shall be made hereon, showing service of Summons issued Tuesday, January 04, 2022 with a copy of the Complaint filed Tuesday, December 07, 2021 attached.

Hearing date :

Service issued: Tuesday, January 04, 2022

For Sheriff Use Only

COMMONWEALTH OF VIRGINIA



RECEIVED

JAN 05 2022

BRISTOL VA. SHERIFF

0043

BRISTOL CIRCUIT COURT

Civil Division

497 CUMBERLAND STREET COURTHOUSE, ROOM 210

BRISTOL VA 24201

(276) 645-7321

Proof of Service

Virginia:

In the BRISTOL CIRCUIT COURT

Case number: 520CL21000802-00

Service number: 008

Service filed: December 07, 2021

Judge:

Served by: BRISTOL CITY

Style of case: TONY MCKENNA vs POLICE DEPT BRISTOL VA CITY

Service on: POLICE CHIEF BRISTOL VA CITY

Attorney:

501 SCOTT STREET

BRISTOL VA 24201

Instructions:

Returns shall be made hereon, showing service of Summons issued Tuesday, January 04, 2022 with a copy of the Complaint filed Tuesday, December 07, 2021 attached.

Hearing date :

Service issued: Tuesday, January 04, 2022

For Sheriff Use Only

Executed on the 5 day of JAN 20 22
within the City of Bristol, Virginia by delivering a true
copy of the within SUMMONS 7
COMPLAINT in writing to
CHIEF JOHN AUSTIN in person.
R. TYRONE FOSTER
SHERIFF, CITY OF BRISTOL VIRGINIA
LT. J. J. JONES
DEPUTY SHERIFF

FILED: Jan 16 2022
TIME: 10:15 AM
CIRCUIT COURT CLERKS OF
CITY OF BRISTOL, VA
KELLY L. FLANNAGAN, CLE
BY Kelly L. Flannagan

COMMONWEALTH OF VIRGINIA**BRISTOL CIRCUIT COURT**

Civil Division

497 CUMBERLAND STREET COURTHOUSE, ROOM 210

BRISTOL VA 24201

(276) 645-7321

Summons

To: OFFICER GREEN
501 SCOTT STREET
BRISTOL VA 24201

Case No. 520CL21000802-00

The party upon whom this summons and the attached complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the clerk's office of this court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment, or decree against such party either by default or after hearing evidence.

Appearance in person is not required by this summons.

Done in the name of the Commonwealth of Virginia on, Tuesday, January 04, 2022

Clerk of Court: KELLY L FLANNAGAN

by

A handwritten signature in cursive script, appearing to read "Donna D. Johnston", written over a horizontal line.

(CLERK/DEPUTY CLERK)

Instructions:

Hearing Official:

Attorney's name:

COMMONWEALTH OF VIRGINIA



BRISTOL CIRCUIT COURT
Civil Division
497 CUMBERLAND STREET COURTHOUSE, ROOM 210
BRISTOL VA 24201
(276) 645-7321

Virginia:

Proof of Service

In the BRISTOL CIRCUIT COURT

Case number: 520CL21000802-00

Service number: 009

Service filed: December 07, 2021

Judge:

Served by: BRISTOL CITY
Style of case: TONY MCKENNA vs POLICE DEPT BRISTOL VA CITY
Service on: OFFICER GREEN Attorney:
501 SCOTT STREET
BRISTOL VA 24201

Instructions:

Returns shall be made hereon, showing service of Summons issued Tuesday, January 04, 2022 with a copy of the Complaint filed Tuesday, December 07, 2021 attached.

Hearing date :

Service issued: Tuesday, January 04, 2022

For Sheriff Use Only

COMMONWEALTH OF VIRGINIA



BRISTOL CIRCUIT COURT
Civil Division
497 CUMBERLAND STREET COURTHOUSE, ROOM 210
BRISTOL VA 24201
(276) 645-7321

RECEIVED
JAN 05 2022
BRISTOL VA, SHERIFF

0044

Virginia:
In the BRISTOL CIRCUIT COURT

Proof of Service

Case number: 520CL21000802-00
Service number: 009
Service filed: December 07, 2021
Judge:

Served by: BRISTOL CITY
Style of case: TONY MCKENNA vs POLICE DEPT BRISTOL VA CITY
Service on: OFFICER GREEN Attorney:
501 SCOTT STREET
BRISTOL VA 24201

Instructions:

Returns shall be made hereon, showing service of Summons issued Tuesday, January 04, 2022 with a copy of the Complaint filed Tuesday, December 07, 2021 attached.

Hearing date :

Service issued: Tuesday, January 04, 2022

For Sheriff Use Only

Executed on the 5 day of Jan 20 22
within the City of Bristol, Virginia by delivering a true
copy of the within Summons & Complaint
Chief J. Austin in person.
R. TYRONE FOSTER
SHERIFF, CITY OF BRISTOL, VIRGINIA
[Signature]
DEPUTY SHERIFF

FILED: Jan 6 2022
TIME: 10:15 AM
CIRCUIT COURT CLERKS OF
CITY OF BRISTOL, VA
KELLY L. FLANNAGAN, CLE
BY [Signature]

COMMONWEALTH OF VIRGINIA



BRISTOL CIRCUIT COURT
Civil Division
497 CUMBERLAND STREET COURTHOUSE, ROOM 210
BRISTOL VA 24201
(276) 645-7321

Summons

To: OFFICER ERICKSON
501 SCOTT STREET
BRISTOL VA 24201

Case No. 520CL21000802-00

The party upon whom this summons and the attached complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the clerk's office of this court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment, or decree against such party either by default or after hearing evidence.

Appearance in person is not required by this summons.

Done in the name of the Commonwealth of Virginia on, Tuesday, January 04, 2022

Clerk of Court: KELLY L FLANNAGAN

by 
(CLERK/DEPUTY CLERK)

Instructions:

Hearing Official:

Attorney's name:

COMMONWEALTH OF VIRGINIA



BRISTOL CIRCUIT COURT

Civil Division

497 CUMBERLAND STREET COURTHOUSE, ROOM 210

BRISTOL VA 24201

(276) 645-7321

Proof of Service

Virginia:

In the BRISTOL CIRCUIT COURT

Case number: 520CL21000802-00

Service number: 010

Service filed: December 07, 2021

Judge:

Served by: BRISTOL CITY

Style of case: TONY MCKENNA vs POLICE DEPT BRISTOL VA CITY

Service on: OFFICER ERICKSON

Attorney:

501 SCOTT STREET
BRISTOL VA 24201

Instructions:

Returns shall be made hereon, showing service of Summons issued Tuesday, January 04, 2022 with a copy of the Complaint filed Tuesday, December 07, 2021 attached.

Hearing date :

Service issued: Tuesday, January 04, 2022

For Sheriff Use Only

COMMONWEALTH OF VIRGINIA



RECEIVED

JAN 05 2022

BRISTOL VA. SHERIFF

0045

BRISTOL CIRCUIT COURT

Civil Division

497 CUMBERLAND STREET COURTHOUSE, ROOM 210

BRISTOL VA 24201

(276) 645-7321

Virginia:

Proof of Service

In the BRISTOL CIRCUIT COURT

Case number: 520CL21000802-00

Service number: 010

Service filed: December 07, 2021

Judge:

Served by: BRISTOL CITY

Style of case: TONY MCKENNA vs POLICE DEPT BRISTOL VA CITY

Service on: OFFICER ERICKSON

Attorney:

501 SCOTT STREET
BRISTOL VA 24201

Instructions:

Returns shall be made hereon, showing service of Summons issued Tuesday, January 04, 2022 with a copy of the Complaint filed Tuesday, December 07, 2021 attached.

Hearing date :

Service issued: Tuesday, January 04, 2022

For Sheriff Use Only

Executed on the 5 day of JAN 20 22
within the City of Bristol, Virginia by delivering a true
copy of the within SUMMONS & COMPLAINT
CHIEF J. Austin in writing to
R. TYRONE FOSTER in person.
SHERIFF, CITY OF BRISTOL, VIRGINIA
DEPUTY SHERIFF

FILED: 1/10/22
TIME: 12:15 PM
CIRCUIT COURT CLERKS OFFICE
CITY OF BRISTOL, VA
KELLY L. FLANNAGAN, CLERK
BY: Dennis H. Hays D.C.

COMMONWEALTH OF VIRGINIA



BRISTOL CIRCUIT COURT
Civil Division
497 CUMBERLAND STREET COURTHOUSE, ROOM 210
BRISTOL VA 24201
(276) 645-7321

Summons

To: OFFICER CHARLES THOMAS JR
501 SCOTT STREET
BRISTOL VA 24201

Case No. 520CL21000802-00

The party upon whom this summons and the attached complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the clerk's office of this court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment, or decree against such party either by default or after hearing evidence.

Appearance in person is not required by this summons.

Done in the name of the Commonwealth of Virginia on, Tuesday, January 04, 2022

Clerk of Court: KELLY L FLANNAGAN

by Donna D. Johnson
(CLERK/DEPUTY CLERK)

Instructions:

Hearing Official:

Attorney's name:

COMMONWEALTH OF VIRGINIA



BRISTOL CIRCUIT COURT

Civil Division

497 CUMBERLAND STREET COURTHOUSE, ROOM 210

BRISTOL VA 24201

(276) 645-7321

Proof of Service

Virginia:

In the BRISTOL CIRCUIT COURT

Case number: 520CL21000802-00

Service number: 011

Service filed: December 07, 2021

Judge:

Served by: BRISTOL CITY

Style of case: TONY MCKENNA vs POLICE DEPT BRISTOL VA CITY

Service on: OFFICER CHARLES THOMAS JR

Attorney:

501 SCOTT STREET
BRISTOL VA 24201

Instructions:

Returns shall be made hereon, showing service of Summons issued Tuesday, January 04, 2022 with a copy of the Complaint filed Tuesday, December 07, 2021 attached.

Hearing date :

Service issued: Tuesday, January 04, 2022

For Sheriff Use Only

COMMONWEALTH OF VIRGINIA



RECEIVED

JAN 05 2022

BRISTOL VA, SHERIFF

0042

BRISTOL CIRCUIT COURT

Civil Division

497 CUMBERLAND STREET COURTHOUSE, ROOM 210

BRISTOL VA 24201

(276) 645-7321

Proof of Service

Virginia:

In the BRISTOL CIRCUIT COURT

Case number: 520CL21000802-00

Service number: 011

Service filed: December 07, 2021

Judge:

Served by: BRISTOL CITY

Style of case: TONY MCKENNA vs POLICE DEPT BRISTOL VA CITY

Service on: OFFICER CHARLES THOMAS JR

Attorney:

501 SCOTT STREET
BRISTOL VA 24201

Instructions:

Returns shall be made hereon, showing service of Summons issued Tuesday, January 04, 2022 with a copy of the Complaint filed Tuesday, December 07, 2021 attached.

Hearing date :

Service issued: Tuesday, January 04, 2022

For Sheriff Use Only

Executed on the 5 day of JAN 2022
within the City of Bristol, Virginia by delivering a true
copy of the within SUMMONS &
COMPLAINT in writing to
CHIEF J. Austin in person.
R. TYRONE FOSTER
SHERIFF, CITY OF BRISTOL, VIRGINIA
[Signature]
DEPUTY SHERIFF

FILED: Jan 6 2022
TIME: 12:15 PM
CIRCUIT COURT CLERKS OFFICE
CITY OF BRISTOL, VA
KELLY L. FLANNAGAN, CLERK
BY: [Signature] D.C.

COMMONWEALTH OF VIRGINIA



BRISTOL CIRCUIT COURT
Civil Division
497 CUMBERLAND STREET COURTHOUSE, ROOM 210
BRISTOL VA 24201
(276) 645-7321.

Summons

To: CITY OF BRISTOL VA AT CITY HALL
300 LEE STREET
BRISTOL VA 24201

Case No. 520CL21000802-00

The party upon whom this summons and the attached complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the clerk's office of this court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment, or decree against such party either by default or after hearing evidence.

Appearance in person is not required by this summons.

Done in the name of the Commonwealth of Virginia on, Tuesday, January 04, 2022

Clerk of Court: KELLY L FLANNAGAN

by *Dawn W. Johnston*
(CLERK/DEPUTY CLERK)

Instructions:

Hearing Official:

Attorney's name:

COMMONWEALTH OF VIRGINIA



BRISTOL CIRCUIT COURT
Civil Division
497 CUMBERLAND STREET COURTHOUSE, ROOM 210
BRISTOL VA 24201
(276) 645-7321

Proof of Service

Virginia:
In the **BRISTOL CIRCUIT COURT**

Case number: 520CL21000802-00
Service number: 012
Service filed: December 07, 2021
Judge:

Served by: **BRISTOL CITY**
Style of case: **TONY MCKENNA vs POLICE DEPT BRISTOL VA CITY**
Service on: **CITY OF BRISTOL VA AT CITY HALL** Attorney:
300 LEE STREET
BRISTOL VA 24201

Instructions:

Returns shall be made hereon, showing service of Summons issued Tuesday, January 04, 2022 with a copy of the Complaint filed Tuesday, December 07, 2021 attached.

Hearing date :

Service issued: Tuesday, January 04, 2022

For Sheriff Use Only

COMMONWEALTH OF VIRGINIA



RECEIVED
JAN 05 2022
BRISTOL VA. SHERIFF
0047

BRISTOL CIRCUIT COURT
Civil Division
497 CUMBERLAND STREET COURTHOUSE, ROOM 210
BRISTOL VA 24201
(276) 645-7321

Virginia:
In the BRISTOL CIRCUIT COURT

Proof of Service

Case number: 520CL21000802-00
Service number: 012
Service filed: December 07, 2021
Judge:

Served by: BRISTOL CITY
Style of case: TONY MCKENNA vs POLICE DEPT BRISTOL VA CITY
Service on: CITY OF BRISTOL VA AT CITY HALL Attorney:
300 LEE STREET
BRISTOL VA 24201

Instructions:

Returns shall be made hereon, showing service of Summons issued Tuesday, January 04, 2022 with a copy of the Complaint filed Tuesday, December 07, 2021 attached.

Hearing date :

Service issued: Tuesday, January 04, 2022

For Sheriff Use Only

Executed on the 5th day of JAN 2022
within the City of Bristol, Virginia by delivering a true
copy of the within Summons & Complaint
JOE L. FOSTER in writing to
JOE L. FOSTER in person.
R. TYRONE FOSTER
SHERIFF, CITY OF BRISTOL, VIRGINIA
DEPUTY SHERIFF

FILED: Jan 6 2022
TIME: 10:15 AM
CIRCUIT COURT CLERKS OFFICE
CITY OF BRISTOL, VA
KELLY L. FLANNAGAN, CLERK
BY: [Signature] D.C.

COMMONWEALTH OF VIRGINIA



BRISTOL CIRCUIT COURT
Civil Division
497 CUMBERLAND STREET COURTHOUSE, ROOM 210
BRISTOL VA 24201
(276) 645-7321

Summons

To: TIM BOYER
ASSISTANT COMMONWEALTHS ATTY
230 PIEDMONT AVE
2ND FLOOR
BRISTOL VA 24201

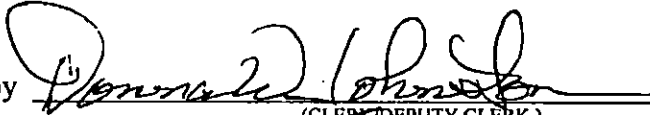
Case No. 520CL21000802-00

The party upon whom this summons and the attached complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the clerk's office of this court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment, or decree against such party either by default or after hearing evidence.

Appearance in person is not required by this summons.

Done in the name of the Commonwealth of Virginia on, Tuesday, January 04, 2022

Clerk of Court: KELLY L FLANNAGAN

by 
(CLERK/DEPUTY CLERK)

Instructions:

Hearing Official:

Attorney's name:

COMMONWEALTH OF VIRGINIA



BRISTOL CIRCUIT COURT
Civil Division
497 CUMBERLAND STREET COURTHOUSE, ROOM 210
BRISTOL VA 24201
(276) 645-7321

Virginia:

Proof of Service

In the BRISTOL CIRCUIT COURT

Case number: 520CL21000802-00

Service number: 013

Service filed: December 07, 2021

Judge:

Served by: BRISTOL CITY

Style of case: TONY MCKENNA vs POLICE DEPT BRISTOL VA CITY

Service on: TIM BOYER

Attorney:

ASSISTAN COMMONWEALTHS ATTY
230 PIEDMONT AVE
2ND FLOOR
BRISTOL VA 24201

Instructions:

Returns shall be made hereon, showing service of Summons issued Tuesday, January 04, 2022 with a copy of the Complaint filed Tuesday, December 07, 2021 attached.

Hearing date :

Service issued: Tuesday, January 04, 2022

For Sheriff Use Only

COMMONWEALTH OF VIRGINIA



RECEIVED
JAN 05 2022
BRISTOL VA. SHERIFF

0046

BRISTOL CIRCUIT COURT
Civil Division
497 CUMBERLAND STREET COURTHOUSE, ROOM 210
BRISTOL VA 24201
(276) 645-7321

Virginia:
In the BRISTOL CIRCUIT COURT

Proof of Service

Case number: 520CL21000802-00
Service number: 013
Service filed: December 07, 2021
Judge:

Served by: BRISTOL CITY
Style of case: TONY MCKENNA vs POLICE DEPT BRISTOL VA CITY
Service on: TIM BOYER Attorney:
ASSISTANT COMMONWEALTHS ATTY
230 PIEDMONT AVE
2ND FLOOR
BRISTOL VA 24201

Instructions:

Returns shall be made hereon, showing service of Summons issued Tuesday, January 04, 2022 with a copy of the Complaint filed Tuesday, December 07, 2021 attached.

Hearing date :

Service issued: Tuesday, January 04, 2022

For Sheriff Use Only

Executed on the 5th day of JAN 2022
within the City of Bristol, Virginia by delivering a true
copy of the within SUMMONS & COMPLAINT
In writing to
TIM BOYER in person.
R. TYRONE FOSTER
SHERIFF, CITY OF BRISTOL, VIRGINIA
[Signature]
DEPUTY SHERIFF

FILED: JAN 6 2022
TIME: 10 15 AM
CIRCUIT COURT CLERKS OFFICE
CITY OF BRISTOL, VA
KELLY L. FLANNAGAN, CLERK
BY: [Signature]